

108TH CONGRESS  
1ST SESSION

# H. R. 2429

To amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2003

Mr. HOFFEL (for himself, Mr. CONYERS, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. FROST, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. CASE, Mr. RYAN of Ohio, Ms. LEE, Ms. KAPTUR, Ms. WOOLSEY, Mr. DOGGETT, Mr. STARK, Mr. KUCINICH, and Mr. HONDA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committees on Intelligence (Permanent Select) and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surveillance Oversight  
5 and Disclosure Act of 2003”.

1 **SEC. 2. IMPROVEMENTS TO FOREIGN INTELLIGENCE SUR-**  
2 **VEILLANCE ACT OF 1978.**

3 (a) RULES AND PROCEDURES FOR FISA COURTS.—

4 Section 103 of the Foreign Intelligence Surveillance Act  
5 of 1978 (50 U.S.C. 1803) is amended by adding at the  
6 end the following new subsection:

7 “(e)(1) The courts established pursuant to sub-  
8 sections (a) and (b) may establish such rules and proce-  
9 dures, and take such actions, as are reasonably necessary  
10 to administer their responsibilities under this Act.

11 “(2) The rules and procedures established under  
12 paragraph (1), and any modifications of such rules and  
13 procedures, shall be recorded, and shall be transmitted to  
14 the following:

15 “(A) All of the judges on the court established  
16 pursuant to subsection (a).

17 “(B) All of the judges on the court of review es-  
18 tablished pursuant to subsection (b).

19 “(C) The Chief Justice of the United States.

20 “(D) The Committee on the Judiciary of the  
21 Senate.

22 “(E) The Select Committee on Intelligence of  
23 the Senate.

24 “(F) The Committee on the Judiciary of the  
25 House of Representatives.

1           “(G) The Permanent Select Committee on In-  
2           telligence of the House of Representatives.”.

3           (b) REPORTING REQUIREMENTS.—(1) The Foreign  
4           Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et  
5           seq.) is further amended—

6                   (A) by redesignating title VI as title VII, and  
7                   section 601 as section 701, respectively; and

8                   (B) by inserting after title V the following new  
9                   title:

10          “TITLE VI—PUBLIC REPORTING REQUIREMENT

11               “PUBLIC REPORT OF THE ATTORNEY GENERAL

12               “SEC. 601. In addition to the reports required by sec-  
13               tions 107, 108, 306, 406, and 502, in April of each year,  
14               the Attorney General shall issue a public report setting  
15               forth with respect to the preceding calendar year—

16                   “(1) the aggregate number of United States  
17                   persons targeted for orders issued under this Act,  
18                   including those targeted for—

19                           “(A) electronic surveillance under section  
20                           105;

21                           “(B) physical searches under section 304;

22                           “(C) pen registers under section 402; and

23                           “(D) access to records under section 501;

1           “(2) the aggregate number of applications  
2           under each section referred to in paragraph (1) for  
3           orders issued under that section—

4                   “(A) with respect only to United States  
5           persons, and

6                   “(B) with respect to all persons without re-  
7           gard to nationality;

8           “(3) the number of times that the Attorney  
9           General has authorized that information obtained  
10          under such sections or any information derived  
11          therefrom may be used in a criminal proceeding;

12          “(4) the number of times that a statement was  
13          completed pursuant to section 106(b), 305(c), or  
14          405(b) to accompany a disclosure of information ac-  
15          quired under this Act for law enforcement purposes;  
16          and

17          “(5) in a manner consistent with the protection  
18          of the national security of the United States—

19                   “(A) the portions of the documents and  
20                  applications filed with the courts established  
21                  under section 103 that include significant con-  
22                  struction or interpretation of the provisions of  
23                  this Act or any provision of the United States  
24                  Constitution, not including the facts of any par-  
25                  ticular matter, which may be redacted;

“(B) the portions of the opinions and orders of the courts established under section 103 that include significant construction or interpretation of the provisions of this Act or any provision of the United States Constitution, not including the facts of any particular matter, which may be redacted; and

“(C) in the first report submitted under this section, the matters specified in subparagraphs (A) and (B) for all documents and applications filed with the courts established under section 103, and all otherwise unpublished opinions and orders of that court, for the 4 years before the preceding calendar year in addition to that year.”.

(2) The table of contents for that Act is amended by striking the items for title VI and inserting the following new items:

“TITLE VI—PUBLIC REPORTING REQUIREMENT

“Sec. 601. Public report of the Attorney General.

“TITLE VII—EFFECTIVE DATE

“Sec. 701. Effective date.”.

**SEC. 3. ADDITIONAL IMPROVEMENTS OF CONGRESSIONAL  
OVERSIGHT OF SURVEILLANCE ACTIVITIES.**

(a) TITLE 18, UNITED STATES CODE.—Section 2709(e) of title 18, United States Code, is amended by

1 adding at the end the following new sentence: “The infor-  
2 mation shall include a separate statement of all such re-  
3 quests made of institutions operating as public libraries  
4 or serving as libraries of secondary schools or institutions  
5 of higher education.”.

6 (b) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—  
7 Section 1114(a)(5)(C) of the Right to Financial Privacy  
8 Act of 1978 (12 U.S.C. 3414(a)(5)(C)) is amended to read  
9 as follows:

10 “(C)(i) On a semiannual basis the Attorney General  
11 shall fully inform the congressional intelligence commit-  
12 tees, the Committee on the Judiciary of the House of Rep-  
13 resentatives, and the Committee on the Judiciary of the  
14 Senate concerning all requests made pursuant to this  
15 paragraph.

16 “(ii) In the case of the semiannual reports required  
17 to be submitted under clause (i) to the congressional intel-  
18 ligence committees, the submittal dates for such reports  
19 shall be as provided in section 507 of the National Secu-  
20 rity Act of 1947.

21 “(iii) In this subparagraph, the term ‘congressional  
22 intelligence committees’ has the meaning given that term  
23 in section 3 of the National Security Act of 1947 (50  
24 U.S.C. 401a).”.

1       (c) FAIR CREDIT REPORTING ACT.—Section  
2 625(h)(1) of the Fair Credit Reporting Act (15 U.S.C.  
3 1681u(h)(1)), as amended by section 811(b)(8)(B) of the  
4 Intelligence Authorization Act for Fiscal Year 2003 (Pub-  
5 lic Law 107–306), is further amended—

6           (1) by striking “and the Committee on Bank-  
7 ing, Finance and Urban Affairs of the House of  
8 Representatives” and inserting “, the Committee on  
9 Financial Services, and the Committee on the Judi-  
10 ciary of the House of Representatives”; and

11          (2) by striking “and the Committee on Bank-  
12 ing, Housing, and Urban Affairs of the Senate” and  
13 inserting “, the Committee on Banking, Housing,  
14 and Urban Affairs, and the Committee on the Judi-  
15 ciary of the Senate”.

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